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13 Attorneys for Plaintiff

14 D.I. FOOD & BEVERAGE OF LAS VEGAS, LLC

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 D.I. FOOD & BEVERAGE OF LAS  
18 VEGAS, LLC, a Nevada limited liability  
19 company,

20 Plaintiff,

21 vs.

22 RICK'S CABARET INTERNATIONAL, INC.,  
23 a Texas corporation,

24 Defendant.

Case No.: 2:10-cv-1625-LDG-RJJ

**STIPULATION FOR WITHDRAWAL OF  
DEFENDANT'S MOTION TO DISMISS  
[DOCUMENT #7] AND LEAVE FOR  
PLAINTIFF TO FILE AMENDED  
COMPLAINT**

25 Plaintiff, D.I. FOOD & BEVERAGE OF LAS VEGAS, LLC ("D.I.") and  
26 Defendant, RICK'S CABARET INTERNATIONAL, INC. ("RICK'S"), by and through  
27 their respective counsel undersigned, hereby stipulate and agree as follows:

28 1. RICK'S Motion to Dismiss [Document #7], currently pending and filed on  
October 15, 2010, is hereby withdrawn.

2. D.I. shall have leave to amend its Complaint and shall have until and  
including Friday, November 19, 2010, to file and serve its Amended Complaint.

3. Following filing and service of the Amended Complaint, RICK'S, within  
the time period prescribed by Rule 15(a)(3) of the Federal Rules of Civil Procedure,

1 shall file and serve its responsive pleading to the Amended Complaint, unless such  
2 time is extended by the parties' stipulation or Order of the Court.

3 4. Nothing in this Stipulation shall operate to prohibit RICK'S from re-filing  
4 its current Motion to Dismiss or a Motion to Dismiss on other or additional grounds in  
5 response to the Amended Complaint.

6 IT IS SO STIPULATED.

7 DATED November 1<sup>st</sup>, 2010.

DATED November 1<sup>st</sup>, 2010.

8 **GLOBAL BUSINESS LAWYERS**  
9 **LOVAAS & LEHTINEN, P.C.**

**GREENBERG TRAURIG**

10 By: 

By: 

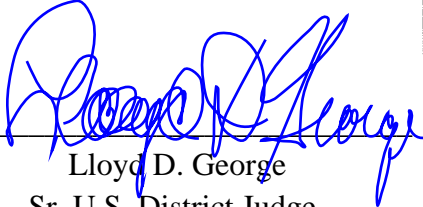
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18 ORDER

19 IT IS SO ORDERED.

20 DATED this 4 day of November 2010.

  
Lloyd D. George  
Sr. U.S. District Judge

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